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RICHARD A. MARSHACK

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8 UNITED STATES BANKRUPTCY COURT

9 | CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

10 || In re

11 | THE

Case No. 8:23-bk-10571-SC

11 | THE LITIGATION PRACTICE GROUP P.C.,

## Chapter 11

12 || Putative Debtor.

SUPPLEMENTAL DECLARATION OF  
RICHARD A. MARSHACK REGARDING  
DESIGNATION OF A MONITOR IN  
CONJUNCTION WITH MOTION OF  
TRUSTEE RICHARD A. MARSHACK  
FOR ENTRY OF AN ORDER (A)  
APPROVING SALE, SUBJECT TO  
OVERBID, OF ASSETS FREE AND  
CLEAR OF ALL LIENS, CLAIMS,  
ENCUMBRANCES AND INTERESTS  
PURSUANT TO 11 U.S.C. § 363(b) AND  
(B) APPROVING ASSUMPTION AND  
ASSIGNMENT OF CERTAIN  
EXECUTORY CONTRACTS AND  
UNEXPIRED LEASES AND OTHER  
AGREEMENTS

Date: July 21, 2023

Time: 10:00 a.m.

Ctrm: 5C-Virtual<sup>1</sup>

Location: 411 W. Fourth St.  
Santa Ana, CA 92701

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<sup>27</sup> <sup>28</sup> <sup>1</sup> This hearing date is designated Zoom Only, pursuant to Judge Clarkson's self-calendaring procedures. Video and audio connection information for each hearing will be provided on Judge Clarkson's publicly posted hearing calendar, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC>.

## **Supplemental Declaration of Richard A. Marshack**

I, RICHARD A. MARSHACK, declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.

4       2.     If called upon to do so, I could and would competently testify as to the facts set forth  
5 in this Declaration.

6       3.      I am the duly appointed Chapter 7 Trustee of the bankruptcy estate (“Estate”) of The  
7 Litigation Practice Group P.C. (“Debtor” or “LPG”).

8       4.      I make this Declaration in support of the Motion of Trustee Richard A. Marshack for  
9 Entry of an Order (A) Approving Sale, Subject to Overbid, of Assets Free and Clear of all Liens,  
10 Claims, Encumbrances and Interests Pursuant to 11 U.S.C. § 363(B) and (B) Approving Assumption  
11 and Assignment of Certain Executory Contracts and Unexpired Leases and Other Agreements  
12 (“Motion”).

13        5. I am writing this declaration solely to address one issue; the process of selecting a  
14 monitor. I believe there should absolutely not be an appearance of connection relating to this  
15 appointment and that is why I required that every potential bidder agree that this Court will make the  
16 decision. Let's be realistic. If the Committee or even I were to be vested with the power to appoint  
17 there would, of course, exist a natural tendency to select a person that would see life the way we  
18 want them to see it. The highest priority in the selection is independence, intelligence and integrity.  
19 To that end, I have concluded that this Court should have the sole power to select. I have  
20 independently researched and determined that I would recommend Professor Nancy Rapoport and I  
21 have no objections to others making a recommendation.

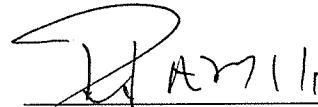
22 6. As stated, this is completely this Court's decision and to the best of my knowledge I  
23 have never met nor have I ever talked to Professor Nancy Rapoport. The only reason I would even  
24 recognize her is because I googled her name and saw her picture. I recommend her based on my  
25 understanding that she is bright, experienced, independent and has integrity. I have come to this  
26 conclusion by asking a several colleagues about her and every person I have asked says she is  
27 independent, intelligent, hardworking, and has integrity. All have stated that she has substantial

1 experience in ethics. I have had her described by many as one of the smartest bankruptcy attorneys  
2 they have ever met.

3 7. I know of no connections that she has to the case and if she has one, I would trust she  
4 will fully disclose it. But again, it is this Court's choice. In the end, the consumers rights are  
5 paramount and this selection is crucial because if the one selected does not do a good job and there is  
6 continued abuse, then we all look bad and "bankruptcy law and reorganizations" will get a black  
7 eye. If there is success, then, once again, our Chapter 11 system will have succeeded in taking a  
8 very bad situation and turning it into a success story.

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10 I declare under penalty of perjury that the foregoing is true and correct. Executed on July 20,  
11 2023.

  
RICHARD A. MARSHACK

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **SUPPLEMENTAL DECLARATION OF RICHARD A. MARSHACK REGARDING DESIGNATION OF A MONITOR IN CONJUNCTION WITH MOTION OF TRUSTEE RICHARD A. MARSHACK FOR ENTRY OF AN ORDER (A) APPROVING SALE, SUBJECT TO OVERBID, OF ASSETS FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES AND INTERESTS PURSUANT TO 11 U.S.C. § 363(b) AND (B) APPROVING ASSUMPTION AND ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES AND OTHER AGREEMENTS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 20, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On July 20, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**DEBTOR – MAIL REDIRECTED TO TRUSTEE**

THE LITIGATION PRACTICE GROUP P.C.  
17542 17TH ST, SUITE 100  
TUSTIN, CA 92780-1981

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 20, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY:**

**PRESIDING JUDGE'S COPY**  
HONORABLE SCOTT C. CLARKSON  
UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C  
SANTA ANA, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 20, 2023  
\_\_\_\_\_  
Date

Layla Buchanan  
\_\_\_\_\_  
Printed Name

/s/ Layla Buchanan  
\_\_\_\_\_  
Signature

**. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **INTERESTED PARTY COURTESY NEF:** Eric Bensamochan eric@eblawfirm.us, G63723@notify.cincompass.com
- **ATTORNEY FOR CREDITOR SDCO TUSTIN EXECUTIVE CENTER, INC.:** Ronald K Brown ron@rkbrownlaw.com
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- **ATTORNEY FOR CREDITOR DEBT RELIEF GROUP, LLC:** Johnny White JWhite@wrslawyers.com, jlee@wrslawyers.com

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